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**PLANNING
DEPARTMENT**

M E M O R A N D U M

TO: The Grafton Planning Board
FROM: Fiona Coughlan, Town Planner
CC: Natalia Alward, Planning Assistant (via email)
DATE: January 3, 2023
SUBJECT: Second Staff Review of 130 and 134 Worcester Street

This memo has been prepared in response to a request to the Building Inspector, by the Applicant, to issue a temporary Certificate of Occupancy permit.

BACKGROUND

On January 12, 2021, an Application for Special Permit and Site Plan Review was submitted to Christopher McGoldrick, Town Planner, and the Grafton Planning Board regarding, “Discern’d Cannabis Purveyors, Inc. 130 & 134 Worcester Street North Grafton, MA WDA JN-1368.01”.

On July 22, 2022, a Site Visit Report by Graves Engineering was submitted to the Grafton Planning Board regarding, “construction progress for compliance with the approved site plans and conditions in the Planning Board’s special permit decision”.

On December 22, 2022, a follow-up Site Visit Report by Graves Engineering was submitted to the Town Planner regarding, “the current construction progress for compliance with the approved site plans and conditions in the Planning Board’s special permit decision”.

STAFF ANALYSIS

The Town Planner provides the following analysis regarding the Application for Special Permit and Site Plan Review and Graves Engineering’s second Site Visit Report. The analysis evaluates if the Applicant can proceed without meeting certain conditions before securing a temporary Certificate of Occupancy. The final staff recommendations are found at the end of this report.

The Planning Board *Special Permit and Site Plan Approval Decision*, stamped March 9, 2022, found that:

1. A Waiver was requested for Earthwork Calculations (Section 1.3.3.3.(f)) and a Traffic Study (Section 8.2). Since the submission of the application, the applicant has submitted a completed *Traffic Impact and Access Study* and the request was withdrawn. The waiver from Section 1.3.3.3.(f) was approved by the Planning Board.
2. The Planning Board did find the following requirements are adequately met and satisfy the requirements of the Zoning Bylaw:
 - a. Off street parking;

- b. Noise, glare, and odor;
 - c. Refuse collection, disposal, and service areas;
 - d. Screening and buffering;
 - e. Exterior lighting and glare;
 - f. Required yards and open spaces; and
 - g. A secure waiting area.
3. The Planning Board and the Peer Review Team also found “No Adverse Impact” on any public or private water supply and no impact to historic, cultural or scenic resources.
4. The Planning Board found that the Applicant has satisfied all associated requirements under M.G.L Chapter 94G, and associated regulations.

The Planning Board voted five in favor and zero opposed to approve the Special Permit and Site Plan Approval, upon twelve conditions:

Standard Conditions:

1. The Special Permit and Site Plan Approval authorizes construction associated with the reconstruction of a demolished structure using the existing foundation and retaining a residential style design.
2. Changes presented in the application may be made upon Planning Board authorization, provided they are not substantially different than the presentation in the Exhibits and is consistent with the Decision’s intents and purposes.
3. Signs must be installed in accordance with the Decision and conform to the Zoning Bylaw. The applicant must receive a permit from the Building Inspector or a Special Permit from the Planning Board.
4. The Applicant must submit a lighting plan denoting fixture change (proposed in Exhibit 30) prior to installation.
5. The Special Permit and the Site Plan Approval will lapse within one year from the appeal period expiration date if substantial use or construction has not commenced. A Request for Extension shall be considered a modification.
6. The Special Permit and the Site Plan Approval shall not take effect until the Worcester District Registry of Deeds has a record and provided the planning board and building department have a copy of such recording.

Conditions Met During Construction:

1. Hours of construction and site work shall only occur Monday through Friday from 7 am to 5 pm. No work will take place on Sunday or federal holidays.
2. Construction will be in accordance with the Approved Plans and not discharge pollutants or siltation into waterways or resource areas from the site or its associated improvements, including after completion.

Conditions to be Met After Construction:

1. The Applicant must submit a copy of the Cannabis Control Commission's Provisional License and supporting documents indicating approval to proceed for review for consistency.
2. The Applicant shall submit a final security plan with parking plan details, following approval of the Cannabis Control Commission and the Grafton Police Department, for Planning Board consistency review. If inconsistent, the Applicant may be required to modify the Decision.
3. The facility must only be open from 10 am to 8 pm.
4. No sign may be illuminated more than 30 minutes after the closing of any store or business.

Graves Engineering Inc.'s *Site Visit Report* of 130 and 134 Worcester Street, submitted December 22, 2022, found several items that require action to satisfy the *Special Permit and Site Plan Approval Decision*. Responses to inconsistent site-specific items in July labeled "to be completed," or "varies from the plans" are **bolded** with responses from the December visit:

1. Drainage: Catch Basins: CB-01, CB-02, CB-03 and DCB-01 – "to-be completed"
 - a. Hoods have not been installed in the catch basin outlet pipes yet.
 - b. **Comment remains as of December 22, 2022.**
2. Nyloplast: Nyloplast In-01, Nyloplast In-02 and Nyloplast Out – "to-be completed".
 - a. The nyloplast structures were not observed. There appeared to be some pavement parking located at both Nyloplast In-01 and Nyloplast In-02 locations. It is not uncommon to bury the structures and raise them to finish grade prior to top course paving.
 - b. **The nyloplast structures were not raised, but the contractor informed the team that the structures were installed, and they are planning to raise the structures prior to top course paving.**
3. Stormwater Basin: Depression located on the northwestern side of the site (not labelled on plans) – "varies from the plan".
 - a. The stormwater basin was not graded in accordance with the plans, nor does it appear that it could be shaped in its current condition. Currently, the retaining wall along the northwestern side of the site encroaches into the basin bottom and may prevent the basin from having a 3H:1V slope on the northern side of the basin. Furthermore, on the northern side of the basin crushed stone was installed along the interior basin slope in lieu of vegetation. The crushed stone creates a hydraulic connection between the impounded stormwater within the basin and the retaining wall.
 - b. **Comment remains as of December 22, 2022. The contractor did confirm the retaining wall was constructed closer to the stormwater impoundment than designed. The contractor also informed the team that the design engineer believes that there is enough available area to reconstruct the stormwater basin to comply with the stormwater standards. GEI reiterated there is still a hydraulic connection between impounded stormwater within the basin and the**

retaining wall. This connection will need to be addressed and eliminated by the design engineer's team during the stormwater basin's redesign.

4. Outlet Control Structure: OCS-101 – “to-be completed”.
 - a. The base of the outlet control structure was installed, however the grating within the top of the structure needs to be installed.
 - b. The grating within the top of the structure needs to be installed. The grate is currently backordered.**
5. Flared End Sections: FES-01 and FES-02 – “to-be completed”.
 - a. FES-01 has not been installed yet. Both riprap aprons at the flared end section outfalls need some improvements. More specifically, FES-02's outfall is currently filled with sediment and needs to have the sediment removed and FES-01's outfall needs to be expanded to the northeast to the full apron length.
 - b. FES-01 has been installed. However, it appears the riprap apron for FES-01's outfall needs to be expanded to the northeast to the full apron length. Both outfalls had previously observed sediment removed.**
6. Drain Manholes: DMH-01, DMH-02, DMH-03 – “to-be completed”.
 - a. With the amount of sediment observed at the outfall of FES-02, the contractor should flush the drainage system to remove any sediment that may be within the drainage infrastructure.
 - b. While the previously observed sediment had been removed from FES-02, the contractor should still consider flushing the drainage system to remove any sediment that may be within the drainage infrastructure. The contractor did inform the team that they have been maintaining the catch basin sumps.**
7. Sewer Manhole: SMH-1 – “to-be completed”.
 - a. Unable to locate SMH-1; the structure could be buried. If so, the contractor would need to raise the structure to finish grade and ensure that the invert trough and ladder rungs are installed within SMH-1. Graves Engineering, herein “GEI,” understands that the Grafton Sewer Department is addressing installation of the sewer infrastructure.
 - b. SMH-1 was not located. The contractor stated the manhole was installed and buried ±2-inches below grade. GEI understands that the Grafton Sewer Department is addressing installation of the sewer infrastructure.**
8. Water service to the building – “to-be completed”.
 - a. GEI understands that the Grafton Water District is addressing installation of the water infrastructure.
 - b. The water shutoff was observed to be installed and a witness stake was present near the location. GEI understands that the Grafton Water District is addressing the installation of the water infrastructure.**
9. Site work:
 - a. Driveway: binder course and cape cod berm – “varies from the plans”.
 - i. The driveway layout varies from the approved plans. Portions of the driveway were paved with a different geometry and in some areas with an

improper length. For example, the northeastern-most parking area was paved to ± 68 feet long whereas the approved plans show the parking area to be ± 77 feet long. Furthermore, the island on the eastern side of the building between the two handicap spaces labeled “RFA/Landscape Restoration 155SF” had more curvature and may not provide the ± 155 square feet. The last example, the southeastern most parking area (spaces 14-25) was paved ± 100 feet long and wraps around the CB-01 in lieu of the ± 116 feet with a perpendicular orientation around CB-01 as shown on the approved plans. The driveway in its current state could provide approximately 44 spaces which is more than the required 22 spaces shown in the Zoning Table on Sheet C2.00 of the approved plans. The contractor should demonstrate that with the current geometry that the total “RFA/Landscape Restoration” can still be satisfied and that the required parking space dimensions and vehicle access aisle width have been satisfied.

- b. Comment remains as of December 22, 2022. The contractor informed the Team that the design engineer believes that the RFA/Landscape Restoration can still be satisfied.**
- 10. Walkway: concrete walkway and ramp on eastern side of the building – “to-be completed”.
 - a. The ramp along the southern side of the building adjacent to the loading space needs to be installed.
 - b. The concrete walkway and ramp were installed.**
- 11. Fencing: The chain link security fence and the picket fence – “to-be completed”.
 - a. The chain link security fence and the proposed picket fence along the western side of the building need to be installed.
 - b. The fencing still needs to be installed. The contractor informed us that the CCC (Cannabis Control Commission) is requiring a different fencing configuration and a revised plan will be provided later.**
- 12. Plantings: RFA/Landscape Restoration and general landscaping – “to-be completed”.
 - a. The RFA/Landscape Restoration plantings needs to be installed and the general landscape plantings needs to be installed as shown on Sheet C4.00 of the approved plans.
 - b. The plantings still need to be completed. Please refer to the letter *130 & 134 Worcester Street Landscape Schedule* submitted by WDA Design Group and on file with the Planning Board. The letter states: “planting operations shall be performed during the planting season when weather and soil conditions are suitable and in accordance with local practice.”**
- 13. Retaining Wall: two retaining walls along the northeastern side of the site (not labelled on plans) – “varies from the plans”.
 - a. The northern retaining wall that encroaches into the stormwater basin appears to be either misaligned or misplaced. It appears that this wall should be situated closer to the limit-of-work line (silt fence) instead of curling into the stormwater basin.

Nevertheless, a field observation is not conclusive to the walls' locations and the contractor should verify with a survey.

- b. The contractor informed the team that the northern retaining wall was relocated closer to the stormwater basin to prevent the need of installing a ±16-foot-tall retaining wall.**
14. Dumpster Pad: Dumpster Enclosure – “to-be completed”.
- a. The six-foot fence board screening needs to be installed.
 - b. A chain link fence has been provided at the dumpster enclosure. The contractor stated the fencing is required to be transparent by the CCC.**
15. Perimeter Controls: silt fence perimeter controls – “to-be completed”.
- a. There are portions of the silt fence that are dislodged and need to be reset to operate as designed. Sedimentation was observed ±3 feet beyond the silt fence location and Decision §B.2. states, “...discharge any pollutants or siltation into waterways or resource areas during construction...”. The area where sedimentation was observed is located within the 200' RFA buffer zone.
 - b. The perimeter controls are still in disarray and need to be reset/reestablished, however no additional sedimentation was observed. The contractor informed the team that they are hesitant to perform additional earth disturbing activities on the slope with the current frost-conditions. GEI understands the concern, however, believes less disruptive measures could be completed at FES-01 (e.g., extending riprap apron, providing additional straw wattles, etc.).**

STAFF RECOMMENDATIONS

Based on the information presented in this memorandum, the Planning Department respectfully recommends the Planning Board and the Inspector of Buildings/Zoning Enforcement Officer issue a temporary Certificate of Occupancy, with the understanding that a final Certificate of Occupancy will not be issued until each of the comments in the December 22, 2022, report is addressed.

Per the Zoning Bylaw, determinations are predicated upon satisfactory completion of the work, site improvements showed on the Plans, and site maintenance in accordance with the Decision. The Applicant has exhibited progress toward site improvement since the July report. Additionally, several of the December report's comments are contingent upon other Town department approvals, the Cannabis Control Commission, supply chain issues, weather constraints, and other factors beyond the Applicant's control. Nevertheless, the Planning Department requests that the Applicant provide periodic status updates to the Planning Board to confirm they are satisfying each of the comments within, or that they complete a final update satisfying each of the comments within before requesting a final Certificate of Occupancy.

The Planning Department also continues to recommend uploading copies of registrations, licenses, the signed Host Agreement, etc. to the Viewpoint online permitting system.

Thank you.

Fiona Coughlan

Site Visit Report



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Worcester, MA 01605
T 508-856-0321
F 508-856-0357
gravesengineering.com

Date:	December 22, 2022	Prepared By:	Daniel Sheehan
Client:	Grafton Planning Board	Arrived on site:	3:30 PM
Project:	130 & 134 Worcester Road	Left site:	4:00 PM
Contractor:	Page Contracting, Inc.	Site Conditions:	Dry to dmap
Contractor Contact:	Dan Page	Weather:	35° Overcast to light rain

Transmitted by:			
<input checked="" type="checkbox"/>	Mail	<input checked="" type="checkbox"/>	E-mail
<input type="checkbox"/>	Hand	<input type="checkbox"/>	Other:
<input type="checkbox"/>	Fax		

Comments:

Graves Engineering Inc. (GEI) was on site at the request of the Town of Grafton's Building Inspector to observe the current construction progress for compliance with the approved site plans and conditions in the Planning Board's special permit decision. During my site visit I was accompanied by Dan Page and Mark ____ (representatives from Page Contracting, Inc.), Allan Villatoro (owner) and Fiona Coughlan (Grafton Town Planner).

Observations:

The site was well underway with development. To summarize the construction progress, the project has binder course asphalt placed with temporary pavement markings and signage, cape cod berm was installed, the structure was built and equipped with some wall mounted lighting on the north and eastern side of the structure, the surrounding site lighting was installed, the drainage infrastructure appeared to be installed and the site was stabilized with vegetative growth. For brevity, the list of site-specific items that were previously observed for which GEI had no issues have been omitted and can be found in my previous site visit report dated July 22, 2022.

Comments:

This report is a follow-up to our previous site visit report dated July 22, 2022. For clarity, comments from our previous report are *italicized* and our comments to the project in its current state are depicted in **bold**.

I observed several inconsistencies between the approved plans and the project in its current state. Below is a list of the site-specific items that were inconsistent and will be noted as "to-be completed" or "varying from the plans." For clarity, items noted as "to-be completed" are construction items that have not been installed yet; whereas "varying from the plans" refers to items that in the current state are inconsistent to what is shown on the approved site plans.

Drainage:

- *Catch Basins: CB-01, CB-02, CB-03 and DCB-01 – "to-be completed".*
 - *Hoods have not been installed in the catch basin outlet pipes yet.*
Our comment remains.
- *Nyloplast: Nyloplast In-01, Nyloplast In-02 and Nyloplast Out – "to-be completed".*
 - *The nyloplast structures were not observed. There appeared to be some pavement parking located at both Nyloplast In-01 and Nyloplast In-02 locations. It is not uncommon for a contractor to bury the structures and raise them to finish grade prior to top course paving.*
The nyloplast structures were not raised. However, during our visit the contractor informed me that the structures were installed, and they are planning to raise the structures prior to top course paving.
- *Stormwater Basin: Depression located on the northwestern side of the site (not labelled on plans) – "varies from the plan".*
 - *The stormwater basin was not graded in accordance with the plans, nor does it appear that it could be shaped in its current condition. Currently, the retaining wall along the northwestern side of the*

site encroaches into the basin bottom and may prevent the basin from having a 3H:1V slope on the northern side of the basin. Furthermore, on the northern side of the basin crushed stone was installed along the interior basin slope in lieu of vegetation. The crushed stone creates a hydraulic connection between the impounded stormwater within the basin and the retaining wall. Photo 1 is provided below to show the retaining wall encroaching into the basin area.

Our comment remains and the contractor did confirm that the retaining wall was constructed closer to the stormwater impoundment than designed. The contractor also informed me that the design engineer believes that there is enough available area to reconstruct the stormwater basin to comply with the stormwater standards. GEI would like to reiterate that there is still a hydraulic connection between impounded stormwater within the basin and the retaining wall. This hydraulic connection will need to be addressed and eliminated by the design engineer's team during the stormwater basin's redesign.

- **Outlet Control Structure: OCS-101 – “to-be completed”.**
 - *The base of the outlet control structure was installed, however the grating within the top of the structure needs to be installed.*
The grating within the top of the structure needs to be installed. The contractor informed me that the grate is currently backordered.
- **Flared End Sections: FES-01 and FES-02 – “to-be completed”.**
 - *FES-01 has not been installed yet. Both riprap aprons at the flared end section outfalls need some improvements. More specifically, FES-02's outfall is currently filled with sediment and needs to have the sediment removed and FES-01's outfall needs to be expanded to the northeast to the full apron length.*
FES-01 has been installed. However, it does appear that the riprap apron for FES-01's outfall needs to be expanded to the northeast to the full apron length. Both outfalls had the previously observed sediment removed.
- **Drain Manholes: DMH-01, DMH-02, DMH-03 – “to-be completed”.**
 - *With the amount of sediment observed at the outfall of FES-02, the contractor should flush the drainage system to remove any sediment that may be within the drainage infrastructure.*
While the previously observed sediment had been removed from FES-02, the contractor should still consider flushing the drainage system to remove any sediment that may be within the drainage infrastructure. The contractor did inform me that they have been maintaining the catch basin sumps.

Sewer:

- **Sewer Manhole: SMH-1 – “to-be completed”.**
 - *I was unable to locate SMH-1; the structure could be buried. If so, the contractor would need to raise the structure to finish grade and ensure that the invert trough and ladder rungs are installed within SMH-1. GEI understands that the Grafton Sewer Department is addressing installation of the sewer infrastructure.*
SMH-1 was not located. The contractor informed me that the manhole was installed and is buried ±2-inches below grade. GEI understands that the Grafton Sewer Department is addressing installation of the sewer infrastructure.

Water:

- **Water service: Water service to the building – “to-be completed”.**
 - *GEI understands that the Grafton Water District is addressing installation of the water infrastructure.*
The water shutoff was observed to be installed and a witness stake was present near the location. Nevertheless, GEI understands that the Grafton Water District is addressing the installation of the water infrastructure.

Site work:

- **Driveway: binder course and cape cod berm – “varies from the plans”.**
 - *The driveway layout varies from the approved plans. Portions of the driveway were paved with a different geometry and in some areas with an improper length. For example, the northeastern-most parking area was paved to ±68 feet long whereas the approved plans show the parking area to be ±77 feet long. Furthermore, the island on the eastern side of the building between the two handicap spaces labeled “RFA/Landscape Restoration 155SF” had more curvature and may not provide the*

±155 square feet. The last example, the southeastern most parking area (spaces 14-25) was paved ±100 feet long and wraps around the CB-01 in lieu of the ±116 feet with a perpendicular orientation around CB-01 as shown on the approved plans. Photo 2 is provided to show the pavement orientation around the catch basin. In conclusion, the driveway in its current state could provide approximately 44 spaces which is more than the required 22 spaces shown in the Zoning Table on Sheet C2.00 of the approved plans. The contractor should demonstrate that with the current geometry that the total "RFA/Landscape Restoration" can still be satisfied and that the required parking space dimensions and vehicle access aisle width have been satisfied.

Our comment remains. The contractor did inform me that the design engineer believes that the RFA/Landscape Restoration can still be satisfied.

- *Walkway: concrete walkway and ramp on eastern side of the building – "to-be completed".*
 - *The ramp along the southern side of the building adjacent to the loading space needs to be installed.*
The concrete walkway and ramp were installed.
- *Fencing: The chain link security fence and the picket fence – "to-be completed".*
 - *The chain link security fence and the proposed picket fence along the western side of the building need to be installed.*
The fencing still needs to be installed. During our visit, the contractor informed me that the CCC (Cannabis Control Commission) is requiring a different fencing configuration and a revised plan will be provided later.
- *Plantings: RFA/Landscape Restoration and general landscaping – "to-be completed".*
 - *The RFA/Landscape Restoration plantings needs to be installed and the general landscape plantings needs to be installed as shown on Sheet C4.00 of the approved plans.*
The plantings still need to be completed.
- *Retaining Wall: two retaining walls along the northeastern side of the site (not labelled on plans) – "varies from the plans".*
 - *The northern retaining wall that encroaches into the stormwater basin appears to be either misaligned or misplaced. It appears that this wall should be situated closer to the limit-of-work line (silt fence) instead of curling into the stormwater basin. Nevertheless, a field observation is not conclusive to the walls' locations and the contractor should verify with a survey.*
As stated above, the contractor informed me that the northern retaining wall was relocated closer to the stormwater basin to prevent the need of installing a ±16-foot tall retaining wall. Please refer to "Stormwater Basin" section above outlining the concern for a hydraulic connection.
- *Dumpster Pad: Dumpster Enclosure – "to-be completed".*
 - *The six-foot fence board screening needs to be installed.*
A chain link fence has been provided at the dumpster enclosure. The contractor informed me that the fencing is required to be transparent by the CCC.
- *Perimeter Controls: silt fence perimeter controls – "to-be completed".*
 - *There are portions of the silt fence that are dislodged and need to be reset to operate as designed. Sedimentation was observed ±3 feet beyond the silt fence location and I would like to refer to the Decision §B.2. which states, "...discharge any pollutants or siltation into waterways or resource areas during construction...". The area where sedimentation was observed is located within the 200' RFA buffer zone. Photo 3 is provided below to show the location where the sedimentation was observed.*
The perimeter controls are still in disarray and need to be reset/reestablished, however no additional sedimentation was observed. During our visit, the contractor informed me that they are hesitant to perform additional earth disturbing activities on the slope with the current frost-conditions. GEI understands the concern, however, believes less disruptive measures could be completed at FES-01 (e.g. extending riprap apron, providing additional straw wattles, etc.).

Action to be Taken:

Client will be notified of this site visit by way of this report.

cc: Robert Berger; Grafton Inspector of Buildings
Dan Page, Page Contracting Inc. (via e-mail)

Photos:

The following photos were taken during today's site visit:



Photo 1: Retaining wall encroaching into basin bottom and the outlet control structure (OCS-101).



Photo 2: Dumpster enclosure with fencing installed.



Photo 3: FES-01 installed with a refreshed riprap apron. Note: perimeter controls appear to be undermined in the encircled area.



Photo 4: General condition of driveway entrance with pavement markings and temporary signage.